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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,618	10/30/2000	Jae-Hong Park	A33685	7061

21003 7590 03/26/2004

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NEW YORK, NY 10112

EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,618

Applicant(s)

PARK ET AL.

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 - 11 and 15 - 26 is/are rejected.
7) ☒ Claim(s) 12 - 14 and 27 - 29 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5, 6.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 11 and 15 - 26 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,946,634 to Korpela.

With regard to claim 1, Korpela teaches determining the operating type of the core network (col 4 lines 35+) and then broadcasting it, along with other information such as the identity of each network backbone (see col 6 line 19) to mobile units (col 6 lines 20+) and, in col 7 lines 40+, it is stated that the mobile device selects the best operating type (ie, protocol) based on cost and quality of service. See line 7, and note that it is implied that different costs are associated with using different types of service (ie, GSM v B-ISDN, etc) sent to the mobile unit in the broadcast message. Finally, a communication is conducted between the mobile station and the radio network, as is described in col 7 lines 53+. While it is not explicitly stated that the "mobile device" operates in the asynchronous mode, it is stated in col 8, lines 8+ that the system can operate in the synchronous or asynchronous mode, such that one of ordinary skill in the art would recognize that the system operating in the asynchronous mode would apply to the mobile device operating in this mode as well.

With regard to the following claims (hereinafter denoted "CI"), see the following:

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CI 2: Korpela teaches the operating systems to be UMTS (synchronous) and GSM (asynchronous); CI 3: setting information using binary numbers is well known in the art and it would be obvious to differentiate the systems in this manner; CI 4: the operating type is extracted from the broadcast message; CI 5: see col 7 lines 35+; CI 6: a "master information block" is a common type of format for carrying data of this type; CI 7: see col 6 line 17; CI 8: as noted above with respect to the rejection of claim 1, other information elements, such as network type, are sent in messages; CI 9: see col 6, line 20; CI 10: protocol messages and network type information is sent. See col 6 lines 40+; CI 11: see the rejections of claims 5 and 10 – 11 above; CI 15: see the rejection of claim 1 above, and note that it is obvious that the "data formats" would need to be different in order to convey useful information and be able to distinguish among the different operating types; CI 16: see the rejection of claim 2 above; CI 17: see the rejection of claim 3 above; CI 18: see the rejection of claim 1 above; CI 19: see the rejection of claim 4 above; CI 20: see the rejection of claim 5 above; CI 21: see the rejection of claim 6; CI 22: see the rejection of claim 7; CI 23: see the rejection of claim 8; CI 24: see the rejection of claim 9; CI 25: see the rejection of claim 10; CI 26: see the rejection of claim 12.

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3. Claims 12 – 14 and 27 – 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claim and any intervening claims.

4. Examiner Steven Blount may be reached at 703-305-0319 Monday through Friday between the hours of 9:00 and 5:30.


Ajit Patel
Primary Examiner

SB


8/11/04